

REMARKS

Status of the Claims:

Claims 1 – 67 are currently pending.

Claims 1 – 40 are currently cancelled.

Claims 68 – 73 are new.

Claims 50 – 67 and 71 – 73 are withdrawn from consideration.

Claims 41, 45 – 51, 55, 56, 58, 59, 61, 63, 64, 66 and 67 are currently amended.

Amendments to the Claims:

No new matter has been introduced by way of the claim amendments.

Claim 41 is presently amended for purposes of clarity.

Claim 45 is presently amended to change the verb from 'is' to 'comprises'.

Claim 46 is presently amended to clarify that the glass fibers have been resized with an organosilane species. Support for this amendment may be found in at least paragraph [0079] of the instant specification.

Claim 47 is presently amended for antecedent agreement purposes.

Claim 48 is presently amended for antecedent agreement purposes.

Claim 49 is presently amended for purposes of clarity.

Withdrawn claim 50 is presently amended for purposes of clarity and antecedent agreement. Claim 50 is also amended to clarify that the CNTs chemically bind the fiber reinforcement material with the polymer. Support for this amendment may be found in at least original claim 41.

Withdrawn claim 51 is presently amended to correct a minor grammatical error.

Withdrawn claim 55 is presently amended for purposes of antecedent agreement.

Withdrawn claim 56 is presently amended for purposes of antecedent agreement.

Withdrawn claim 58 is presently amended for purposes of antecedent agreement.

Withdrawn claim 59 is presently amended for purposes of antecedent agreement.

Withdrawn claim 61 is presently amended to correct a minor grammatical error.

Withdrawn claim 63 is presently amended to correct a minor grammatical error.

Withdrawn claim 64 is presently amended to correct a minor grammatical error.

Withdrawn claim 66 is presently amended for purposes of antecedent agreement and to correct minor grammatical errors.

Withdrawn claim 67 is presently amended for purposes of antecedent agreement and to correct minor grammatical errors.

New claim 68 is supported by at least paragraphs [0055], [0058] and [0062] of the specification, Figures 1 and 2 and Scheme 3.

New claim 69 is supported by at least paragraph [0060] of the specification.

New claim 70 is supported by at least Figures 1 and 2.

Withdrawn new claim 71 is supported by at least paragraphs [0055], [0058] and [0062] of the specification, Figures 1 and 2 and Scheme 3.

Withdrawn new claim 72 is supported by at least paragraph [0060] of the specification.

Withdrawn new claim 73 is supported by at least Figures 1 and 2.

Response to Restriction Requirement

The Examiner has required restriction of the Application under 35 U.S.C. § 121 and 372 to one of five groups of claimed inventions (Office Action page 2, item 1). These groups are the following:

Group I (claims 1 – 22) drawn to a method for forming carbon nanotubes

Group II (claims 23 – 28) drawn to silane-functionalized carbon nanotubes

Group III (claims 29 – 40) drawn to carbon nanotube-polymer composites

Group IV (claims 41 – 49) drawn to a composite material

Group V (claims 50 – 67) drawn to a method for forming a composite material

Applicants hereby elect Group IV (claims 41 – 49) without traverse. New claims 68 – 70 are also drawn to the elected invention. Applicants hereby cancel claims 1 – 40 drawn to non-elected Groups I – III without prejudice or disclaimer. Applicants also withdraw from consideration claims 50 – 67 and new claims 71 – 73, drawn to the non-elected method claims of Group V. Applicants reserve rights to file one or more divisional applications on the non-elected or withdrawn groups of inventions at a later date of Applicants' choosing.

As Applicants have elected Group IV, drawn to a composite material (a product), the withdrawn method claims of Group V shall be eligible for rejoinder upon allowance of a product claim. MPEP 821.04. Applicants respectfully assert that the non-elected method claims of Group V (claims 50 – 67 and 71 – 73), as amended, include all of the limitations of allowable Group IV and are eligible for rejoinder.

CONCLUSION

Claims 41 – 49 and 68 – 70 are presently pending in the application. Applicants respectfully request that the Examiner now allow examination of these pending claims to proceed on their merits. Furthermore, Applicants respectfully request that withdrawn method claims 50 – 67 and 71 – 73 be considered for rejoinder upon allowance of one or more claims from claims 41 – 49 and 68 – 70.

The Director is hereby authorized to charge any fees or credit any overpayment due to Deposit Account Number 23-2426 of Winstead PC (referencing matter number 11321-P074WOUS).

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (713) 650-2663.

Respectfully submitted,

WINSTEAD PC

Attorneys/Agents for Applicant

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By: Thomas P. Thrash
Thomas P. Thrash, Reg. No. 64,805
Robert C. Shaddox, Reg. No. 34,011

Mail correspondence to :

WINSTEAD P.C.
P. O. Box 50784
Dallas, Texas 75201
Tel: 713.650.2663
Fax: 214.745.5390